

REMARKS

1. Applicant thanks the Examiner for his findings and conclusions.

5 2. It should be appreciated that Applicant has elected to amend Claims 1, 9, 11, and 21 solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention
10 herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

15 The amendments herein to Claims 1, 9, 11, and 21 were not made for any reason related to patentability. Claims 1, 11, and 21 were amended to clarify the invention. Claim 9 was amended to conform with standard claim drafting practice. None of the foregoing amendments is related to the pending rejections; all amendments were made for reasons other than patentability.

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3. Claims 1, 3-6, 9-11, 13-16, 19-21, 23-26, and 29-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,918,066 (hereinafter "Dutta") in view of U.S. patent application no. 2002/0099723 (hereinafter "Garcia-Chiesa").

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Claim 1

As to Claim 1, the Applicant respectfully disagrees. Dutta teaches testing an application with multiple browsers. In Dutta, the application developer may then

determine if the application functions using a plurality of browsers. If a browser is identified as not properly running the application, then the developer can modify the application. In stark contrast, Claim 1 requires testing a browser with multiple applications. In this manner, the browser developer can exercise the browser in a computer environment containing a plurality of applications. If applications are identified where the browser does not perform properly, then the browser developer can modify the browser. Respectfully, testing of the application and modifying the application as taught in Dutta are distinct tasks from testing a browser and modifying the browser and Claim 1 requires that the method is for testing browser software. Neither Dutta nor Garcia-Chiesa teach or describe testing a browser with multiple applications. Accordingly, the rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Dutta Garcia-Chiesa is deemed to be improper.

Applicant amends Claim 1 to clarify that the invention requires a browser test script which tests the test browser software over a plurality of applications at site contained within a list of URLs. Support for the amendment is found in the Application as filed at least at page 1, lines 3 and 4; page 3, lines 17 and 18; page 3, lines 19-21; page 3, lines 23-25. The combination of Dutta and Garcia-Chiesa does not teach or describe the testing of a browser using a browser test script over a plurality of applications contained within a list of URLs. Accordingly, the rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Dutta Garcia-Chiesa is deemed to be overcome.

Applicant further amends Claims 1, 11, and 21 to correct a grammatical error in the penultimate clause.

4. Claims 2, 12, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of U.S. patent no. 6,167,358 (hereinafter "Othmer").

5 As to Claims 2, 12, and 22, in view of the above described amendments to parent Claims 1, 11, and 21, the current rejection of Claims 2, 12, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of Othmer is rendered moot.

10 5. Claims 7, 17, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of Examiner taking Official Notice.

15 As to Claims 7, 17, and 27, in view of the above described amendments to parent Claims 1, 11, and 21, the current rejection of Claims 7, 17, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of the Examiner's Official Notice is rendered moot.

20 6. Claims 8, 18, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of U.S. patent no. 6,865,592 (hereinafter "Shindo").

25 As to Claims 8, 18, and 28, in view of the above described amendments to parent Claims 1, 11, and 21, the current rejection of Claims 8, 18, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Dutta in view of Garcia-Chiesa in further view of Shindo is rendered moot.

7. Applicant amends Claim 9 to conform with standard claim drafting practice by concluding the claim with a period.

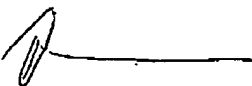
8. New Claims 31 and 32 are added to the application. Support for new
5 Claim 31 is found in the Application as filed at least at page 6, lines 7-14. Support for new Claim 32 is found in the Application as filed at least at page 6, line 26 to page 7, line 4 and page 8, lines 21-23. The Applicant avers that no new matter is added to the Application by way of the new claims.

CONCLUSION

In view of the above, the application is deemed to be in allowable condition. The Examiner is therefore earnestly solicited to withdraw all objections and rejections, allowing the application to pass to issue as a United States patent. Should the Examiner have any questions concerning the Application, he is urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,

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